IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

And
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 19793 of 2004

Between:

The Municipal Council, Bhainsa, rep. by its Chairperson Sri Mohd. Jabeer Ahmed, S/o M.A. Raheem, R/o Bhainsa, Adilabad District.

..... PETITIONER

AND

1 The Principal Secretary to Government of Andhra Pradesh, Revenue (Commercial Taxes) Department, A.P. Secretariat, Hyderabad.
2 The Commissioner of Commercial Taxes, A.P. Govt. of A.P., Hyderabad.
3 The Deputy Commissioner of Commercial Taxes, Adilabad, Adilabad District.
4 The Commercial Officer, (Nodal Officer Professional Tax), Adilabad.
5 The Sub Treasury Officer, Bhainsa, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more in the nature of Writ of Mandamus declaring the action of the respondents 1 to 4 in not paying to the petitioner council the balance of Profession Tax of Rs. 12,05,356/- as ordered in G.O.R.T.No. 1766 (Revenue)

(C.T.III) Dept, dated 17-9-2003 following directions in W.P.No. 17393/2001 dated 12-12-2002, as illegal, and null void and direct the respondents 1 to 4 herein to pay the petitioner the above said amount forthwith.

Counsel for the Petitioner: MR.K.MANIK PRABHU

Counsel for the Respondent Nos.1 to 5: GP FOR COMMERCIAL TAXES

The Court, at the stage of admission, made the following:

(ORAL ORDER: Per: The Hon'ble Mr. Justice Bilal Nazki)

The dispute was with regard to the assignment of revenue collected by the Government as Professional Tax in terms of G.O.Rt. No. 1766 (Revenue) (C.T.III) Department dated 17-09-2003. The Government has already passed an order on 01-11-2004 assigning the amounts to the petitioner to which it is entitled under the said G.O.Rt.No. 1766. A copy of the order has been produced along with the counter affidavit, which has been placed on record.

In view of the grievances having been met, we do not find that it will serve any purpose keeping the writ petition pending on board, which is accordingly dismissed. No costs.

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BILAL NAZKI, J

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S. ANANDA REDDY, J

Dt. 16-11-2004

Pvks/*

To

1 The Principal Secretary to Government of Andhra Pradesh, Revenue (Commercial Taxes) Department, A.P. Secretariat, Hyderabad.
2 The Commissioner of Commercial Taxes, A.P. Govt. of A.P., Hyderabad.
3 The Deputy Commissioner of Commercial Taxes, Adilabad, Adilabad District.
4 The Commercial Officer, (Nodal Officer Professional Tax), Adilabad.
5 The Sub Treasury Officer, Bhainsa, Adilabad District.

6.2CCs to the Government Pleader for Commercial Taxes, A.P. High Court Buildings, Hyderabad (OUT).

7.2CD copies

3.2CCs to